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**Agencies settle with West Virginia individuals charged with federal environmental violations**

*Federal investigators emphasize compliance with regulations protecting national forests and endangered species*

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Two men responsible for destroying protected salamander habitat in the Monongahela National Forest have formally admitted to violations of the federal Endangered Species Act and Forest Service regulations. As part of the civil penalty settlement agreement reached in January 2014, Jacob and Athey Lutz will pay \$1,500 in fines and buy and plant at least 2,000 native red spruce seedlings in a restoration area next to existing salamander habitat.

The U.S. Fish and Wildlife Service and U.S. Forest Service conducted a federal investigation into the 2010 cutting of trees and construction of an unauthorized large lean-to shelter in a study area occupied by the Cheat Mountain salamander, a rare species protected as threatened under the ESA. Following the investigation, the two brothers were issued a civil Notice of Violation for offenses violating the ESA and Forest Service regulations.

“While we encourage the use of public lands for recreation, we remind people that these lands are also homes to many of West Virginia’s rare plants and animals,” said Resident Agent in Charge Dan Rolince. “Federal law prohibits actions that harm protected species, such as cutting trees and creating new trails, which are actions also prohibited by federal forest regulations.”

The Cheat Mountain salamander occurs on only a few high-elevation ridges in five West Virginia counties and was listed under the ESA in 1989 as a threatened species. This federal law makes it illegal to “take” threatened or endangered fish, plants or animals. In addition to other actions, “take” includes modifying or degrading habitat, killing or injuring individuals, or disrupting normal behavior patterns such as breeding, feeding, or sheltering. Violations under the ESA can result in fines up to \$25,000 per violation for civil penalties and up to \$50,000 and/or a year in prison per violation for criminal penalties.

Maintaining their unique habitat is key to the survival of Cheat Mountain salamanders. Because they don’t have lungs, these salamanders rely on moist air to breath directly through their skin. As a result, they need habitats with high relative humidity and cool temperatures, as found in the red spruce forests of West Virginia high mountain ridges. Removal of trees in these areas makes drier, warmer environments where they cannot survive. Where Cheat Mountain salamanders live, cutting trees and moving rocks or logs could trample or crush salamanders, or harm or harass salamanders using these for cover or nesting.

In addition, Forest Service regulations prohibit the construction of any kind of structure on

National Forest System lands or facilities without special-use authorization or contract. These regulations also prohibit cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by a special-use authorization, timber sale contract, or federal law or regulation.

Individuals with information on Endangered Species Act violations are encouraged to contact the Elkins Office of Law Enforcement at 304-636-6586.

Learn more about Cheat Mountain salamander conservation ([http://www.fws.gov/endangered/map/ESA\\_success\\_stories/WV/WV\\_story3/index.html](http://www.fws.gov/endangered/map/ESA_success_stories/WV/WV_story3/index.html)) and the Endangered Species Act (<http://www.fws.gov/endangered/about/index.html>). If you'd like to assist in the conservation of West Virginia's red spruce forests, please visit [www.restoreredspruce.org](http://www.restoreredspruce.org).